

**IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

**TENNESSEE ENTERTAINMENT
CONCEPTS d/b/a THE PONY,**

Petitioner,

vs.

NO.

**SHELBY COUNTY HEALTH DEPARTMENT
and SHELBY COUNTY GOVERNMENT**

Respondents.

**SWORN PETITION FOR INJUNCTIVE RELIEF
AND DECLARATORY JUDGMENT**

PRELIMINARY STATEMENT

1. Petitioner, Tennessee Entertainment Concepts, Inc. (hereinafter "TEC"), by and through counsel, institutes this cause of action for injunctive relief, declaratory judgment, and the costs of this cause against Respondents The Shelby County Health Department ("The Department") and Shelby County Government in relation to Directive No. 14 issued by The Department. Specifically and narrowly, Petitioner challenges the exception to the Directive related to Adult Business and its application to Petitioner. Petitioner states Directive No. 14 violates the First Amendment of the United States Constitution as a prior restraint and as a content based regulation, the rights to free speech granted under the Constitution of the State of Tennessee, the Equal Protection Clause of the United States Constitution substantive and procedural due process rights and § 1983 of the Civil Rights Act. Additionally the Petitioner states the regulations are vague and arbitrary and capricious as they do not state why the "adult entertainment" venues are unilaterally excepted from the order, do not define what an adult business is or why the Directive

allows other non-adult venues to operate without an approved reopening plan when those businesses have the same or similar entertainment and if they adhere to the Departments safety criteria. Further, Petitioner is not an adult entertainment facility and yet The Department has insisted TEC cannot open and to open they must supply a reopening plan. TEC has supplied such a reopening plan, and the Department will not act upon it. The Petitioner herein seeks a Declaratory Judgment pursuant to T.C.A. §29-14-101 *et seq.* and Tenn. R. Civ. P. 57; injunctive relief pursuant to Tenn. R. Civ. P. 65.04 and from attorney fees and money damages. In support, Petitioner would respectfully state and show to the Court as follows:

JURISDICTION AND VENUE

2. This Honorable Court has jurisdiction of the parties and the subject matter involved herein pursuant to, *inter alia*, T.C.A. §§ 16-11-101, 16-11-102, 16-11-115, 29-14-101 *et seq.* and Tenn. R. Civ. P. 57.

3. All acts occurred in Shelby County, Tennessee.

PARTIES

4. Pursuant to Shelby County law, Petitioner is a business duly licensed in Shelby County Tennessee that serves food, beer and provides non-adult live entertainment with a valid and County issued compensated Dance permit.

5. Petitioner does not hold an adult permit issued by the County¹, yet was required to submit a reopening plan to the Department to reopen while other similarly situated restaurant/bars in Shelby County Tennessee were allowed to simply reopen but required to meet the occupancy rates and other criteria set forth by the Department.

6. The Department is an Agency of Shelby County Government tasked with responding

¹ The adult permit is required to have dancers who feature nudity and meet other criteria commonly known as adult entertainment.

to the current health emergency due to COVID-19 and its spread. It derives its power from the Declarations of Emergency declared by County Mayor Lee Harris. Its principal offices are located at 814 Jefferson Avenue, Memphis, Tennessee.

FACTS

7. Petitioner has successfully operated a restaurant and bar having no adult permit issued by after Shelby County and required after the County adopted new rules and regulations related to adult businesses. Thus, it does not operate as an adult entertainment cabaret. It has however been in continuous operation and managed by its current operating entity since 2004.

8. Recently, on October 12, 2020 the Department issued Health Directive No. 14. This Directive along with the Face Mask Directive No 2 “supersede all other written or Oral Health Directives.”²

9. Directive No. 14 states in part: “In order to facilitate evolving efforts to expand the opening of services and businesses in Shelby County, this Directive provides the following guidance on...2) Safety Measures for all Services and Businesses; and 3) Safety Measures for Services and Businesses that require in-person interaction with public or those who otherwise regularly welcome non-employees into their place of business”.

10. Directive No. 14 continues to set forth exceptions to the general provisions (“The Exceptions”) singling out Adult Entertainment with the pretext of it differing from other similar businesses: “Currently, all businesses and services in Shelby County may open for business with the following exceptions: 1) Adult Entertainment businesses...unless the Department has approved a reopening plan...”

11. While TEC does not operate an adult entertainment business, other similarly situated

² See Formal Issuance of Health Order and Directive No. 14 attached hereto and incorporated herein as Exhibit A.

businesses in Shelby County (those that used to be adult and are now holding only non-adult compensated dance permits) have tried to open and have been shut down by the Department. As such, TEC called to inquire and notify the Department of its intent to reopen. It was informed, without any basis or reasoning, that it was considered an adult business and could not open without a reopening plan that was approved and there was no estimate as to when such an approval would happen and there was no answer to the request to understand how many so called Adult Businesses and Fairs were ahead of them in the queue. This was later reiterated in writing by Bruce Randolph, head of the Department in an email to Petitioner's manager. The Department held a press conference on October 27, 2020 stressing that it attributed most COVID cases to people going to work while being symptomatic and that they were trying to not interfere with business or commerce. As the rest of Directive No. 14 suggests, the Department eased restrictions on restaurants and other businesses.

12. Neither of the above statements justifies the Exception to Directive No. 14 which is clearly focused on the content of the speech at adult establishments and/or restrains such speech prior to it happening. No one at the Department could/would define why TEC was an adult business and what constituted an adult business, even after being told that TEC had no adult permit nor was it subject to the County's Adult Entertainment licensing.

13. TEC did however submit a reopening plan which was received and acknowledged by the Department on Oct 13, 2020. That plan meets or exceeds the requirements set in place by the Department for restaurants, and other similar facilities. Despite the fact that only Adult Businesses and Fairs are required to submit these proposals, The Department has refused to rule on the reopening plan instead giving the reason that they are simply working on it in the order they were received. To date, no decision has been made despite the fact that TEC should not even have to

apply.

CAUSES OF ACTION

14. The Department's Rules are government action taken an effort to restrain TEC's business, the live entertainment that is performed there and/or what it believes the business to be. There is no justification based upon its own statements to differentiate adult entertainment and even less to justify excepting the Petitioner who does not present Adult Entertainment. Clearly this is merely subterfuge to restrain protected activity and is content based. As such the Rule is unconstitutional. It seeks to restrain or prohibit only activity that is constitutionally protected³. Moreover, as written, Directive No. 14 is unconstitutionally vague as well as arbitrary and capricious in that it fails to identify how the Department determines to what business the exception applies, i.e. how it defines or labels the Petitioner an adult business when in fact it is otherwise recognized by other county agencies as non-adult or in fact what an adult business is defined as in relation to this Directive.

15. The Department's Rule violates the First Amendment of the United States Constitution and the guaranties of free expression provided under the Tennessee Constitution. The Department's Rule violates The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution since Petitioner, and other similarly situated businesses, are being treated in a dissimilar fashion than other businesses, such as other restaurants and bars, the Beale Street Entertainment district.

16. The Department's regulations set forth in Directive No 14 are arbitrary, capricious and without basis of right or legal authority.

³ Nude dance is protected by the First Amendment. In fact, all live entertainment is protected. See Schad v. Mount Ephraim, 452 U.S. 61, 101 S. Ct. 2176 (1981). The Department seems to have no concern related to non-nude dancing or other forms of entertainment. Gyms, Drag shows, and other forms of protected and non-protected activity is carried on in Shelby County.

17. The Department's Regulations deprive Petitioner of its property interest without due process of law in violation of the Fourteenth Amendment of the United States Constitution and in violation of 42 USC § 1983. The regulations deprive Petitioner of its right to make money from this protected activity and the rights to free association, all of which are constitutionally guaranteed.

18. Petitioner has numerous employees, all of whom are not working. Customers are not free to gather and associate with each other. Moreover, the business is not able to open and as such is losing revenue in a critical time and valuable time to compete and retain its customer base. Finally, the United States Supreme Court has stated that a violation of First Amendment rights even for a brief moment is *per se* irreparable harm Elrod v Burns 427 U.S. 347, 373, 96 S.Ct 2673, 2689-90, 49 L.Ed.2d 547 (1976). All of these consequences of the Department's action constitute irreparable harm to Petitioner, since it will not be able to continue in business and its constitutional rights are being violated.

19. Based upon applicable law as set forth above, Respondent is likely to prevail on the merits of this case at a final hearing.

20. Unless this Honorable Court enjoins Respondent from considering Petitioner as an adult business and thus excepted from the general rule that it may open to serve its customers, Petitioner will suffer immediate and irreparable harm such as that listed above.

21. If the injunction is issued, Respondent will suffer no irreparable harm as it has deemed compliance to its rules safe for the community, has no indication in the Directive as to any unique harm which would occur due to Petitioner's business, has not required other similar businesses to submit the re-opening plan and Petitioner meets or exceeds those safety rules required by the Department.

22. There is an obvious strong public interest regarding the granting of the injunction since there is by definition a strong public interest in enforcing constitutional rights⁴, keeping business open and since other businesses, such as those on Beale Street, are already being allowed to open should the injunction not issue, those businesses may also be subject to this arbitrary categorization.

23. Should these Rules continue to be enforced in the way they are currently being enforced, Petitioner will suffer monetary damages as a result of the interference with its business and right to contract with citizens without unconstitutional governmental interference and significant financial losses associated with the closure.

24. Petitioner also requests that this Court declare the rights of the parties under Directive No. 14 and determine that Petitioner is not subject to the adult entertainment exception, that the adult entertainment exception is unconstitutional as set forth above and that the Directive No. 14 exceptions are unconstitutional on its face and as applied.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, PETITIONERS PRAY:

A. That this Court issue a Temporary Restraining Order, Temporary Injunction and Permanent Injunction holding that Respondent be immediately enjoined from requiring Petitioner to proceed under Directive No. 14. as an Adult Business;

B. That this Court issue a Temporary Restraining Order, Temporary Injunction and Permanent Injunction from the enforcement of Directive No. 14 as it relates to the exceptions for Adult Businesses as to the Petitioner;

C. That this Honorable Court declare that the exceptions under Directive No. 14 be

⁴ G & V Lounge, Inc. v. Michigan Liquor Control Com'n, 23 F.3d 1071 (1994), 1078 -1079 (6th Cir. Mich. 1994). "It is always in the public interest to prevent the violation of a parties constitutional rights."

declared unenforceable, unconstitutional and in violation of the law pursuant to the First Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, 42 U.S.C. §1983 as interpreted by the United States Supreme Court and appropriate State court constitutional law;

D. That this Honorable Court declare the rights of the Parties under Directive No. 14 and more specifically that the Petitioner is not an adult business and as such is not required to submit a reopening plan;

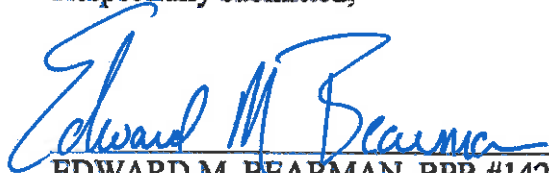
E. That this Honorable Court, in the alternative, declare that the re-opening plan submitted by the Petitioner is sufficient to reopen;

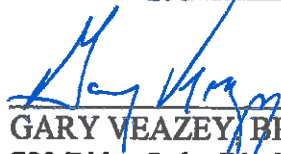
F. That Respondent be ordered to pay for all costs of this action;

G That the Respondent be ordered to pay Petitioner's attorney fees and costs; and

H. That Petitioner have such other and further relief to which it may be entitled in the premises.

Respectfully submitted,


EDWARD M. BEARMAN, BPR #14242
780 Ridge Lake Blvd., Ste. 202
Memphis, Tennessee 38120
901.682.3450
Ebearman@jglawfirm.com


GARY VEAZEY, BPR #10657
780 Ridge Lake Blvd., Ste. 202
Memphis, Tennessee 38120
901.682.3450
GVeazey@jglawfirm.com

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELEIF IN THE CAUSE

VERIFICATION

STATE OF TENNESSEE

COUNTY OF SHELBY

I, Charles Gerald Westlund, being duly sworn, make oath that I am the President of Tennessee Entertainment Concepts, Inc., that I have corporate authority to testify herein, that I have read the foregoing Petition, and that the facts stated therein are true to the best of my knowledge, information and belief.



Charles Gerald Westlund

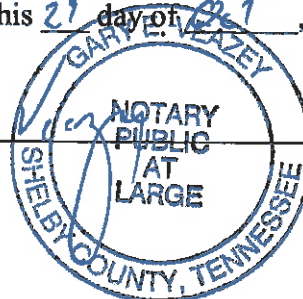
STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for the said State and County, Charles Gerald Westlund, known to me (or proved by satisfactory evidence) to be the person who executed the foregoing Verification, and acknowledged to me that the facts contained therein are true and correct to the best of his own personal knowledge this 21 day of Oct, 2020.



Notary Public



7-1-23

My Commission Expires:

FIAT

To the Clerk and Master:

Upon this Petition for Injunction being filed and bond being given in the amount of \$_____, please issue a Temporary Restraining Order as prayed for in the above Petition granting the Petitioner the right to operate consistent with the regulations for restaurants under Directive No. 14 and enjoining the County and the Department of Health from enforcing the adult entertainment exception to Directive No. 14 against the Petitioner until such further Orders of this Court. Set this matter for a Temporary Injunction hearing on _____ day of _____, 2020 at _____

Chancellor

Date: _____



LEE HARRIS
MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

ALISA R. HAUSHALTER, DNP, RN, PHNA-BC
DIRECTOR

BRUCE RANDOLPH, MD, MPH
HEALTH OFFICER



Public Health
Prevent. Promote. Protect.

October 12, 2020

FORMAL ISSUANCE OF HEALTH ORDER AND DIRECTIVE NO. 14

Pursuant to the Declarations of a State of Emergency
by Shelby County Mayor Lee Harris
and the Necessity of a Communicable Disease Control Threat Procedure
by the Shelby County Health Department

TO: Residents, Visitors, and Owners/Operators of Services, Facilities, and/or
Businesses in Shelby County, Tennessee

FROM: Lee Harris, Shelby County Mayor
Bruce Randolph, M.D., M.P.H., Shelby County Health Officer
Alisa Haushalter, DNP, RN, PHNA-BC, Shelby County Health Director

RE: Public Health Announcement on COVID-19 Response

Pursuant to the emergency management authority vested in Shelby County, Tennessee, for coordination of relief efforts in the event of a countywide emergency that may result in substantial injury or harm to the population, and the necessity to respond to public health emergencies vested in the Shelby County Public Health Department ("the Department"), this Health Order and Directive ("Directive") is being issued to protect the public health for all citizens and businesses in Shelby County, Tennessee. This Directive incorporates by reference the Shelby County Face Mask Directive No. 2 ("Face Mask Directive"), issued August 24, 2020, and together, both documents supersede all other written or oral Health Directives. This Health Directive will be modified as needed to account for current and relevant Shelby County health data.

Page 2

Both documents are located here:

- 1) Health Directive: www.shelbytnhealth.com/healthdirectives.
- 2) Face Mask Directive: www.shelbytnhealth.com/FaceMaskDirective.

All Health Directives are informed by data, evidence, and input from appropriate public health, health care, medical, legal and political leaders. This includes consultation with a back-to-business committee comprised of representative stakeholders in the County, including municipalities in the County, public health officials, physicians, and governmental attorneys. Pursuant to Tennessee law and regulations and Governor Lee's Executive Orders that delegate to the Department the sole authority to issue certain local orders or measures related to the containment or management of the spread of COVID-19, the Department has the power to employ those measures necessary for the protection of the public health, including the exclusive power to quarantine, establish contact tracing and case investigation measures, and to promulgate such countywide rules and regulations as may be necessary to combat such emergencies. For more information on contact tracing definitions, obligations, and the confidentiality of your personnel health information, please select the "Contact Tracing FAQ" link located in the top blue bar here: www.shelbytnhealth.com/healthdirectives.

SARS-CoV-2, the virus that causes COVID-19, is thought to be mostly spread by respiratory droplets released when people talk, cough, sneeze, or sing. It is thought that the virus may also spread to hands from a contaminated surface and then to the nose, mouth, or eyes, causing infection. Therefore, the **important personal practices** to prevent the virus's spread are:

- Staying home when sick
- Cooperating with the Department on contact tracing and case investigation
- Limiting close contact with others
- Maintaining at least 6-feet of distance from other people
- Wearing a cloth face covering or mask over your nose and mouth
- Frequently washing hands with soap and water, or using hand sanitizer (60% alcohol)
- Cleaning and disinfecting frequently touched surfaces and objects

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

Page 3

The goal is safety while balancing the needs of citizens to receive the necessities of life, i.e., food and shelter, allowing people to work in a safe manner, and further ensuring the availability of resources to the community. Every effort should be made by businesses and services to take steps to stop the spread of this deadly disease. These actions are meant to protect everyone.

This Directive provides certain restrictions on the ability to return to work and engage in essential activities. It is intended to be a guide toward developing long-term safety measures, as detailed below, to slow and end the transmission of COVID-19, which continues to be a direct and deadly threat to the population of Shelby County, Tennessee. When determining whether a specific type of service or business should be closed or reopen, the Department considers two main factors: the risk of COVID-19 spread when conducting said business activity in light of the latest science and research about the spread of COVID-19, and the prevalence of the disease in our community. As prevalence goes down, the level of acceptable risk increases. This is due to the fact that with low prevalence, the risk that any one person is spreading the disease decreases.

In order to facilitate evolving efforts to expand the opening of services and businesses in Shelby County, this Directive provides the following guidance on:

- 1) Safety Measures for Individuals;
- 2) Safety Measures for all Services and Businesses; and
- 3) Safety Measures for Services and Businesses that require in-person interaction with the public or those who otherwise regularly welcome non-employees into their place of business.

Currently, all businesses and services in Shelby County may open for business with the following exceptions:

- 1) Adult entertainment businesses/venues that are only open to people 18 and over and that have/offer close-contact interactions and/or communal activities unless the Department has approved a reopening plan and
- 2) Festivals, fairs, parades, large-scale sporting events, and large-scale community events unless the Department has approved a site-specific plan for the event.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

Page 4

Nothing in this order restricts the ability of the Department to take targeted action against specific businesses where COVID-19 outbreaks or clusters occur under the Department's standing authorities to control disease outbreaks. **The Department always seeks to provide education and technical assistance to all businesses before taking any action that disrupts the business, but in the event that any business refuses to comply with current safety measures by creating an unsafe environment for members of the public, the Department has the authority to close the establishment. In those rare instances when this occurs, the business will be asked to submit a safety plan for review and approval for reopening within 14 days (an incubation period) prior to being allowed to resume operations.**

Nothing in this Directive mandates closure of a place of worship or prohibits weddings or funerals as a matter of law. Weddings may be conducted in any manner that is permissible under Governor Lee's Executive Orders. However, places of worship are strongly encouraged to continue to utilize virtual or online services and gatherings, and are strongly encouraged to follow guidelines as issued by the State of Tennessee's Office of Faith-Based and Community Initiatives regarding any in-person services that can be conducted safely. Further, it is strongly encouraged that the public celebration component of weddings and funerals be postponed or attended only by close family members and that all safety precautions in this Directive are followed, including wearing cloth face coverings. Any modification by the State of Tennessee to this provision must also be followed.

Certain restrictions or the removal of such restrictions may be implemented when the following conditions occur:

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

IMPROVEMENTS	RESPONSE
<ul style="list-style-type: none"> • New cases over a 1-week period averaging less than 180 cases/day based upon date of testing • Downward trend line for 2 consecutive weeks (14 days) • Reproductive Rate ≤ 1.0 • Positivity Rate $\leq 10\%$ 	<ul style="list-style-type: none"> • Open limited service restaurants and other food/drink establishments that are currently closed
<ul style="list-style-type: none"> • New cases over a 1-week period averaging less than 75 per day based upon date of testing • Continued downward trend line for 2 consecutive weeks (14 days) • Reproductive Rate ≤ 1.0 • Positivity Rate $\leq 5\%$ 	<ul style="list-style-type: none"> • Allow increased gathering sizes, increased capacity within businesses, special events (under approved plans)
SET-BACKS	RESPONSE
<ul style="list-style-type: none"> • New cases over a 1-week period averaging more than 450 cases/day based upon date of testing • Rate of new cases increasing by $\geq 40\%$ over two weeks (14 days) • Reproductive Rate ≥ 1.4 • Positivity Rate $\geq 18\%$ 	<ul style="list-style-type: none"> • Provide targeted education and communication • Increased enforcement • Closure of limited service restaurants • Restrictions on full service restaurants • Restrict sports related events and activities • Impose a curfew
<ul style="list-style-type: none"> • New cases over a 1-week period averaging more than 650 cases/day based upon date of testing • Rate of new cases increasing by $\geq 40\%$ over two consecutive weeks (14 days) • Reproductive Rate ≥ 1.4 • Positivity Rate $\geq 20\%$ 	<ul style="list-style-type: none"> • Targeted education and communication • Increased, targeted enforcement • Decrease gathering sizes to ≤ 10
<ul style="list-style-type: none"> • New cases over a 1-week period averaging more than 750 cases/day based upon date of testing • Rate of new cases increasing by $\geq 40\%$ over two consecutive weeks (14 days) • Reproductive Rate ≥ 1.6 • Positivity Rate $\geq 25\%$ 	<ul style="list-style-type: none"> • Return to Safer at Home • Closure of Schools

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

Page 6

1) Safety Measures for Individuals:

- Individuals must cooperate with health authorities' efforts to prevent and control the spread of COVID-19.
- Individuals who test positive for COVID-19 must report this information to the Department by calling 901-222-MASK (which is 901-222-6275) or by faxing the information to 901-222-8249. Individuals who test positive for COVID-19 must notify those who are known to have been in contact with them and otherwise comply with the Department on case investigations.
- Individuals should stay at home when possible and limit unnecessary activity. Although this Directive allows some individuals to return to work (as provided for below), the threat of COVID-19 remains very serious. Because avoiding unnecessary public interactions is critical to protecting the health and safety of everyone in Shelby County, all persons are still strongly encouraged to continue to stay at home and to minimize in-person contact with people not in the same household, except when engaging in essential activities such as employment or exercise or other activities as outlined in this Directive. Individuals should also be aware of the need to take extra precautions to protect those who are most vulnerable.
- Individuals must practice social distancing, which means keeping at least 6-feet of space between yourself and other people outside of your home. Please see additional, more specific guidance below for situations that involve increased vocalization (such as singing and shouting).
- Individuals must comply with the Face Mask Directive on wearing cloth face coverings in public (or any other local order that is not inconsistent with the Face Mask Directive): www.shelbytnhealth.com/FaceMaskDirective.
- Individuals must avoid using communal items and products that are shared with people who are not of the same household; such items include writing utensils, condiment containers, and work-related devices.
- Individuals may engage in outdoor activities provided that persons adhere to the CDC, Tennessee Department of Health, and Department health guidelines,

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

including, but not limited to physical activities that utilize public areas while maintaining the aforementioned safety precautions.

- Individuals may assist all businesses that are closed under this Directive with minimum basic operations consisting in performing activities at their own residences (i.e., working from home) or at their workplaces in order to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for other related, necessary business functions.

2) Safety Measures for all Services and Businesses

The following safety measures must be in place for services and businesses to remain open or to reopen. Services and Businesses that may not reopen should consider adopting these safety measures to prepare for reopening in the future.

- Cooperate with health authorities' efforts to prevent and control the spread of COVID-19.
- Request technical assistance from the Department when needed.
- Comply with all federal and state business COVID-19 safety requirements, whether industry-specific or not, such as the Occupational Safety and Health Administration (OSHA) requirements.
- Place prominent informational signs at entrances and high-traffic areas (such as entrances and restroom areas) to educate and encourage a partnership of safety for businesses and the public.
 - Signs must meet or exceed the requirements and safety guidelines outlined by the CDC at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs.pdf>.
 - Signs must state that masks are required within the business as provided for in the Face Mask Directive (or any other local order that is not inconsistent with the Face Mask Directive).

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- State that employees, patrons, and all others must not enter if they are sick or currently have signs or symptoms of COVID-19. See, for example: <https://www.cdc.gov/coronavirus/2019ncov/downloads/StayHomeFromWork.pdf>.
- Ensure proper ventilation in all indoor areas of any business location.
- Require all employees, customers and visitors to wear a mask or cloth face covering while within their establishments. Employees are not required to wear masks when at their desk or workstation so long as the workstation is greater than 6 feet from any other employee and they do not share that workstation with any other employee
- Continue promoting frequent and thorough handwashing by providing workers, customers, and visitors a place to wash their hands or use alcohol-based hand sanitizer at or near entrances to a facility and other high-traffic areas. It is strongly encouraged that CDC handwashing guides be placed in all bathrooms and near any handwashing sink as described at <https://www.cdc.gov/handwashing/pdf/wash-your-hands-poster-english-508.pdf>
- Close all water fountains that require individuals to drink from the same spout.
- Require workers to stay home if they are sick pursuant to the following CDC guidance:

“How to Protect Yourself and Others”: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (as of September 22, 2020).

“What to Do if You are Sick”: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html> (as of September 22, 2020).
- Health checks and screenings for fever (100.4 degrees Fahrenheit) or other signs and symptoms of COVID-19 must be performed at the start of each employee’s shift so that any employee that exhibits such symptoms may not enter any workplace. This includes taking the temperature of employees who are reporting to work and asking the following:
 1. Have you been in close contact with a confirmed case of COVID-19?

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

2. Are you experiencing a cough, shortness of breath or sore throat?
3. Have you had a fever in the last 48 hours?
4. Have you had new loss of taste or smell?
5. Have you had vomiting or diarrhea in the last 24 hours?

Employees who exhibit COVID-19 symptoms (i.e., by answering yes to any of the screening questions or who are running a fever) should be directed to leave the premises immediately and seek medical care and/or COVID-19 testing. Alternatively, employees may self-validate their status at the beginning of each shift to their supervisor.

- Report to the Department any employee who has had contact with a person who tests or has tested positive for COVID-19 to notify the Department by calling 901-222-MASK (which is 901-222-6275) or by faxing the information to 901-222-8249. For employers needing after-hours assistance, please call 901-232-4036.
- If an employer is informed that an employee has tested positive for COVID-19, the area(s) where the employee worked should be closed for cleaning and disinfecting pursuant to CDC and OSHA guidance:

“Worker Safety and Support”: <https://www.cdc.gov/coronavirus/2019-ncov/community/worker-safety-support/index.html>

“Guidance on Preparing Workplaces for COVID-19”: <https://www.osha.gov/Publications/OSHA3990.pdf>

- Develop a plan on how to communicate with customers/patrons if they are exposed to someone (such as an employee or another patron) who tests positive for COVID-19. For example, restaurants must maintain seating charts for 21 days to assist with contact tracing as further explained below.
- As determined by the employer and where feasible, allow employees to work from home or permit flexible worksites and hours (including staggered shifts) to increase physical distancing among and between employees.
- Discourage workers from using other employee’s phones, desks, offices or other work tools and equipment, when possible. When this is not possible, sanitizers

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

should be used both prior to use of communal items and immediately after, and care should be taken not to touch the face.

- Increase regular housekeeping practices for all areas to more than twice a day cleanings, including routine cleaning and disinfecting of surfaces, equipment, high-touch surfaces, work areas, break rooms, bathrooms, common areas, and any other areas of the work environment.
- Limit the number of people who can enter a facility at any time to no more than the number of people inside that can easily maintain a minimum 6-foot distance from each other at all times, except when necessary to complete a business transaction such as payment or delivery of goods.
- **Lessors of Residential Properties.** Property owners, landlords, or their hired agents must distribute the following notice concurrently with the service of process of a Forcible Entry and Detainer Action (or Summons & Complaint) to any individual against whom an FED or other eviction action is filed. This safety measure helps to prevent and control the spread of COVID-19 that could be associated with the eviction process. The notice must state:

“If you or anyone in your household are currently quarantined or are in isolation due to COVID-19 and are unable to secure housing at this time, please notify the Shelby County Health Department by calling 901-222-MASK (which is 901-222-6275) or by faxing the information to 901-222-8249. Temporary housing support may be available.”

3. Safety Measures for Services and Businesses that require in-person interaction with the public or those who otherwise regularly welcome non-employees into their place of business

(The following measures are required in *addition* to the requirements listed above for all businesses.)

- Where feasible, implement contactless transactions.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- Close all self-service customer bulk-item food and/or supply bins.
- Place an employee at entrances to ensure customers are wearing masks prior to entering the establishment, including stores, gyms/fitness centers, and other services providers.
- Indicate where lines may form at a facility, marking 6-foot increments as guides for where individuals should stand to maintain social distancing.
- Concession registers should be configured to allow for 6-foot spacing between customers.
- Consider installing plexiglass barriers at registers and other employee/customer points of contact.
- If gloves are used by employees, they should be replaced every 30 minutes and discarded whenever an employee washes his/her hands. If at any time the gloves become contaminated with a foreign substance, the gloves are to be discarded and replaced with a new pair.
- Make best efforts to establish hours when they are only available to senior citizens age 55 and older, pregnant women, and otherwise vulnerable populations and consider implementing other measures to help serve vulnerable populations, such as offering delivery services.
- In addition to more specific restrictions outlined below for sporting events/activities, restaurants, theaters, and other businesses that allow for group activities or dining (e.g. recreational facilities, pools, etc.) groups no larger than eight (8) may be allowed to enter together and act as a “family unit” so long as each group maintains a distance of six (6) feet from all other groups. Regardless of “family unit” status, all patrons must continue to wear a mask unless eating or drinking. In the event the business has fixed seating or equipment, appropriate seats and equipment must be “closed” with signs to allow patrons to readily determine how to seat themselves with sufficient social distancing.
- Where family unit groups are allowed, the establishment must maintain a record of all patrons to include, at a minimum: first name, last name, time of

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

service/attendance, and cell phone or other contact number to allow for contact tracing in the event a COVID+ case is identified. Restaurants must maintain seating charts for 21 days to assist with contact tracing. Records must be maintained for a minimum of 30 days after the date on which the service occurred. The Department will provide technical assistance to any business upon request.

- All business that require close contact between patrons and/or employees for the provision of services (i.e. Nail Salons, Barbershops, Salons, and other personal appearance businesses) must maintain a record of all patrons including, at a minimum, first name, last name, time of service, and cell phone number or other contact number to allow for contact tracing in the event a COVID+ case is identified. Records must be maintained for a minimum of 30 days after the date on which the service occurred.
- Where practical, businesses are encouraged to use outdoor space for the provision of services. Restaurants in particular are encouraged to provide outdoor dining.
- All communal use of items and products should be prevented, including, for example, writing utensils, store bags, condiment containers, self-service stations, and buffets. All menus or service literature should be disposable, single-patron usage, and/or accessible by personal electronic devices (e.g., internet website, QR Code, etc.).
- Patrons or facility personnel must clean equipment with disinfecting wipes before and after each use. Shared equipment that cannot be cleaned in between use is not allowed.
- High-touch areas, such as elevator buttons, door handles, and counters must be cleaned regularly throughout the day with disinfectant.
- If the layout of the facility is such that ingress/egress would often prompt encounters of less than 6 feet, facilities must use best efforts to make for one-way traffic flow and/or specific entrances and exits.
- Owners/operators of playgrounds must ensure that the safety measures for services and businesses are followed.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- Communal showers and locker rooms must be closed to the public; bathrooms should remain open with regular cleaning and disinfection as required for high-contact areas. Facilities that would normally require changing clothes prior to using their services should encourage all patrons to change prior to coming to the facility; where this is not practical, facilities may allow for a changing area.
- Hot tubs must remain closed.
- Live music and other performers shall not be permitted unless appropriate precautions are taken. Research and the CDC suggest that activities like singing may project respiratory droplets in greater quantity and over greater distance, increasing the risk of COVID-19 transmission, particularly with prolonged exposure. Live music and other performers shall maintain at least 18 feet of separation—and more if possible—between audience members and the performer(s) (e.g., vocalists, singers, musicians). Thus, seating and spacing modifications should be adopted to increase physical distances between any observer and any performer. Where necessary, install barriers to minimize travel of aerosolized particles from performers or implement alternative placements of performers. In addition, maximize physical spacing between performers on-stage by at least 6 feet unless barriers are used. Dancing by customers should not be allowed unless it occurs outdoors and dancers maintain six feet separation from those who are not of their same household.
- **Daycare and Childcare businesses** may operate, provided that they implement screening procedures, develop safe drop-off and pickup procedures, ensure additional steps are taken to enhance personal hygiene of employees, (including wearing face coverings that cover the nose and mouth), and provide regular sanitization efforts within the facilities themselves. Activities that occur at any of these businesses must follow any applicable safety measures outlined in the current Health Directive and should follow any guidance or protocols recommended by the Tennessee Department of Health, the Tennessee Department of Education, and the CDC. To submit a reopening plan to the Department for review and technical assistance, visit www.shelbytnhealth.com/healthdirectives and follow the instructions.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- **Schools, School Systems, Colleges and Universities**, through their governing boards and presidents, retain sole responsibility in making decisions on providing instruction to their students while protecting the health and safety of their students, faculty, and staff. Nothing in this Directive should be construed to stipulate or require campuses to reopen. In all cases, colleges and universities should consult the guidance issued by OSHA, the CDC, and the State of Tennessee as well considerations outlined by the American College of Health Association:

“CDC indicators and thresholds for risk of introduction and transmission of COVID-19 in schools”: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/indicators.html#thresholds>.

“Colleges, Universities, and Higher Learning”: <https://www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities/index.html>

“Higher Education Guidelines”: <https://www.tn.gov/governor/covid-19/economic-recovery/higher-education-guidelines.html>

“Considerations for Reopening Institutions of Higher Education in the COVID-19 Era”: https://www.acha.org/documents/resources/guidelines/ACHA_Considerations_for_Reopening_IHEs_in_the_COVID-19_Era_May2020.pdf

When there is the occurrence of a single confirmed COVID-19 infection at elementary and secondary schools, childcare facilities, or other in-person learning facilities, the leadership of the learning facility shall contact and coordinate with the Department to identify parents, students, and staff who are risk. Once identified, schools should notify parents, students, and staff who are at risk within 12 hours. Further, updates to parents, students, and staff at risk should be provided by schools, at a minimum, on a weekly basis. In the updates, schools and other in-person learning facilities shall include information on mitigating actions implemented to prevent or reduce the risk of transmission, including if normal operations in the buildings or facility will be altered.

- **The Shelby County Government Division of Corrections** shall follow all safety precautions as stated in any executive order by Mayor Lee Harris.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- **Detention facilities:** If not already established, facility administrators should adopt protocols that house new detainees separately from the inmate population in order to properly screen and care for the new inmate until such time as the new inmate can safely be placed in the same environment with the existing inmate population. If any detained person is released on their own recognizance (ROR) or makes bond, they should be provided with a copy of the current “Shelby County Health Order and Directive” and instructed to follow that directive upon release. Additionally, they shall be provided information (6th grade reading level) about COVID-19 and “How to Protect Yourself and Others” issued by the CDC: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.

Nothing in this Directive is intended to delay or impede the release of detained individuals if they are eligible to be released.

- The State of Tennessee has developed statewide guidelines certain types of establishments/activities. Each type of establishments/activity is required to follow all applicable state guidelines located online as indicated below (as of September 22, 2020).
 1. **Full-Service Restaurants, Limited Service Restaurants, Bars, Clubs, Beer Pubs, Wine Bars, Taprooms. Please visit:**
<https://www.tn.gov/governor/covid-19/economic-recovery/restaurant-guidelines.html> and
<https://www.tn.gov/abc/licensing/liquorbythedrinklicenses>

The following additional restrictions must be followed:

- There shall be no standing room or seating at a physical bar, though tables may be placed and used in the bar areas.
- Alcohol may only be served with food and to customers who are seated at a table.
- Food service at a table for each customer/group should not exceed two hours.
- If properly permitted by local and state law, any curb-side, drive-thru, or delivery services may continue, but any such sales of alcoholic beverages must end at 12 midnight.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- All establishments shall close at 12 midnight. This means that any guests who are already receiving service at 12 midnight may remain there until 12:30 am to complete payment arrangements but may not be served food or beverages after 12 midnight.
 - Only staff needed to close, open, clean, or operate curb-side/delivery services shall be in any establishment between the hours of 12:30 am and 5:00 a.m. Legally permitted curb-side, drive-thru, and delivery service may continue (except for the sale of alcoholic beverages as provided above) without the restriction of closing at 12 midnight as long as such services also comply with state law.
 - Music (live or recorded) must be kept at a decibel level that permits regular conversation. In other words, the noise level should not be so great as to cause patrons to raise their voices to be heard.
 - Dancing should not be allowed unless it occurs outdoors and dancers maintain six feet separation from those who are not of their same household.
 - Club houses at golf courses, tennis courts, and other facilities must comply with these requirements as well.
 - Violation of the safety measures outlined in the Health Directive may lead to termination of Alcohol Beverage Commission licenses, permits, and other penalties permitted under state law, including closure of a business.
2. **Hookah/Vaping/Cigar Bars/Lounges** must adhere to the following conditions:
- All areas must be well-ventilated.
 - Customers must be seated at least 6 feet apart.
 - No more than two people can be seated at any booth.
 - Anyone seated at the same booth or table must be members of the same household.
 - Tips/tubing must be disposed of after each use.
 - Any non-disposable smoking equipment must be cleaned and disinfected after each use.
 - Customers must wear masks if not smoking, eating, or drinking.
 - Dancing or singing (such as karaoke) is not permitted.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

3. **Multi-Person Biking Vehicles** must adhere to the following conditions:
 - Patrons may not consume beer or alcohol while riding, and “stops” should not be made for patrons to consume beer or alcohol while touring on the bikes.
 - Operators must adhere to all applicable business safety measures in the Directive.
 - In addition to drivers/operators, patrons must be required to wear face coverings or masks while riding on the bikes.
 - Patrons must not be permitted to yell and sing loudly.
 - Music must be kept at a decibel level that permits regular conversation. In other words, the noise level should not be so great as to cause patrons to raise their voices to be heard.
 - Only groups of eight (8) people from the same household are allowed to ride together.
 - Bike operators must maintain at least twelve (12) feet separation between the bikes and people who are walking nearby or dining outdoors.
4. **Recreational Facilities:** <https://www.tn.gov/governor/covid-19/economic-recovery/recreation-guidelines.html>
5. **Exercise Facilities:** <https://www.tn.gov/governor/covid-19/economic-recovery/exercise-facilities-guidelines.html>
6. **Salons, Barbershops, and Nail Salons, and other personal appearance businesses that require close contact between patrons and employees:** <https://www.tn.gov/governor/covid-19/economic-recovery/close-contact-business-guidelines.html>
7. **County Courts and Court Buildings:** All county courts and county buildings where courts are located must follow the guidelines established by the Tennessee Supreme Court, which can be found at: <https://www.tncourts.gov/Coronavirus>. Also, as set forth above, these additional restrictions must be followed:
 - All employers or officials who oversee employees must comply with all applicable businesses and services safety measures contained in this Directive, including 1) wearing face coverings or masks at all times except

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

for eating, 2) maintaining at least 6-feet social distancing between all individuals inside and outside courtrooms, and 3) completing health check/screening protocols for their respective employees. If desired, please contact the Department for information on contactless screening, staggered/timed court settings, and other technical assistance.

- It is Shelby County Government's prerogative to implement health checks and screening protocols for visitors to any County building and to utilize proctors throughout the building to ensure that this Directive and the Face Mask Directive is followed.
- Court dockets should be restricted or scheduled so that the requirements of this Directive are met.
- The Shelby County Sheriff's Office (SCSO), as is already the case, is responsible for maintaining security in the courthouse, including courtrooms and common areas. Governmental entities that have employees at the courthouse are responsible for ensuring that all of their employees or contractors comply with this Directive and the Face Mask Directive. Security assistance may be requested of SCSO if anyone in the building refuses to comply with the Directive or Face Mask Directive.
- The Department may close all or part of the courthouse if 1) safety measures are not observed or 2) if current conditions present an increased public health risk within the courts or buildings where courts are housed.

8. Long Term Care Facilities and Assisted Living Centers:
https://www.tn.gov/content/dam/tn/health/documents/cedep/novel-coronavirus/LTCF_Visitation.pdf.

The Department shall have unrestricted access to the facility where such access is determined necessary by the Department for purposes of testing all personnel for COVID-19, and in such circumstances, the operator and administrator shall cooperate fully to facilitate such testing. Any positive test result shall be reported to the Department of Health by 5:00 p.m. of the day following receipt of such test result. Consistent with CDC guidance, facilities

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

must inform residents and their representatives within 12 hours of the occurrence of a single confirmed infection of COVID-19, or three or more residents or staff with new-onset of respiratory symptoms that occur within 72 hours. Updates to residents and their representatives must be provided weekly, or each subsequent time a confirmed infection of COVID-19 is identified and/or whenever three or more residents or staff with new onset of respiratory symptoms occurs within 72 hours. Facilities will include information on mitigating actions implemented to prevent or reduce the risk of transmission, including if normal operations in the facility will be altered.

9. Sporting/Team Events and Activities. Please review more specific guidance just below these additional general requirements:

- Coaches, school officials, and sponsors of any of sports/team event or activity must: 1) cooperate with the Department and provide names and contact information of participants or staff who may have been a contact with a COVID-19 case and 2) report to the Department any participant or staff who has had contact with a person who tests or has tested positive for COVID-19 by calling 901-222-MASK (which is 901-222-6275) or by faxing the information to 901-222-8249.
- Indoor or outdoor sporting events that involve the likelihood that visitors will engage in increased vocalization, such as yelling, cheering, singing, or speaking loudly, must be separated at least 6 feet apart and must wear face coverings consistent with the Face Mask Directive. Family units/groups of up to eight people may sit together, but no member of one group can be within 6 feet of any member of another group.
- All locations where events/activities occur must continue to abide by the requirements set forth in this Directive.

Grade 6-12 School-Sponsored Sporting Events and Activities:

<https://tssaa.org/returntoplay>. Local education agencies and schools shall, notwithstanding any orders or provisions to the contrary, have the authority

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

to permit, but are not required to permit, school-sponsored sporting events and activities, provided that all such activities, including practices and games or competition, must be conducted in a manner consistent with COVID-19-related regulations adopted by the Tennessee Secondary Schools Athletic Association.

Non-School-Sponsored Athletics: <https://www.tn.gov/governor/covid-19/economic-recovery/tennessee-pledge.html>. These athletic activities (including practices and games/competition) may take place as permitted by the Tennessee Economic Recovery Group (i.e., Tennessee Pledge) and provided that all such activities are conducted in a manner consistent with COVID-19 related regulations adopted by Tennessee Pledge, including any forthcoming state guidance.

Collegiate and Professional Sporting Events and Activities: must be conducted pursuant to the rules or guidelines of their respective governing bodies.

Scholastic and Other Organized Teams: If none of the aforementioned guidance applies, teams must follow guidance established by the National Federation of State High School Associations set forth at <https://www.nfhs.org/media/3812287/2020-nfhs-guidance-for-opening-up-high-school-athletics-and-activities-nfhs-smac-may-15-2020-final.pdf> (as of August 3, 2020) and any requirements set forth in this Directive.

Please contact the Department if you require technical assistance regarding any safety parameters.

In conclusion, the aforementioned guidelines set forth in this Directive present, at this time, the least restrictive means by which transmission of COVID-19 may be slowed while also permitting businesses to reopen and remain open.

The Department, with the assistance of the Shelby County Sheriff's Office, is authorized to take emergent and immediate action to enforce this Directive.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

Requirement to Collect Demographic Data.

Any health care provider located in Shelby County, Tennessee that provides COVID-19 testing or clinical care shall provide to the Department, as requested by the Department, demographic data regarding individuals tested or cared for by the provider. Such data shall be in such forms, formats and/or schedules that the Department will reasonably specify to the provider by written guidelines, including by way of example and without limitation the following data: gender, race, ethnicity, date of birth or other indicia of age, and such other demographic-based clinical information that the Department deems relevant and necessary to respond to and serve the needs of Shelby County related to the COVID-19 pandemic.

Approved and adopted by:

LEE HARRIS,
SHELBY COUNTY MAYOR

BRUCE RANDOLPH, M.D., M.P.H.,
SHELBY COUNTY HEALTH OFFICER

ALISA HAUSHALTER, DNP, RN, PHNA-BC,
SHELBY COUNTY HEALTH DIRECTOR

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

TENNESSEE ENTERTAINMENT CONCEPTS

Office of Clerk and Master
Chancery Court, Shelby County
Memphis, TN

VS

Shelby County Health Department and Shelby County Government

_____ day of _____ 20____

No. _____

TO Shelby County Health Department and Shelby County Government

You are hereby notified that this matter has been set for an injunction hearing on the
_____ day of _____, 2020

Respectfully,

W. AARON HALL, CLERK & MASTER

By _____ D.C. & M.

Edward Bearman

Attorney for Plaintiff

No. _____

CHANCERY COURT
SHELBY COUNTY, TN

Tennessee Entertainment Concepts
d/b/a The Pony

VS. } Notice

Shelby County Health Department
and Shelby County Government

Issued _____ day of _____ 20 _____

W. AARON HALL, Clerk & Master

Came to hand _____ day of _____

and executed on

THE STATE OF TENNESSEE

TO Shelby County Health Department and Shelby County

Government

AGENTS AND ATTORNEYS - Greetings

WHEREAS Tennessee Entertainment Concepts d/b/a The Pony

hath lately exhibited a sworn Complaint in the Chancery Court of
Shelby County against you the said parties

as Defendants therein, and obtained from the
Honorable Chancellor, a fiat that a restraining order issue
according to the prayer of said complaint. We, therefore in consideration of the premises, do strictly restrain and
command you, the said Defendants

and all and every the persons before mentioned, and each and every of you, that you and every of you, do absolutely
desist and refrain and be restrained from restricting the Petitioner from opening
under the exceptions to Directive No. 14 issued by the Shelby
County Health Department or in any way prohibiting Petitioner
reopening subject to the same restrictions as would apply to
other restaurants in Shelby County

until further orders of our said Court to the contrary. And this you shall in no wise omit, under the penalty prescribed
by law.

Witness, W. Aaron Hall, Clerk and Master of said Court,

This _____ day of _____, 20____

W. Aaron Hall, Clerk and Master

By _____ Deputy Clerk and Master

Chancellor

This _____ day of _____, 20____, at _____m.

No. _____

CHANCERY COURT

Tennessee Entertainment
Concepts d/b/a The Party

VS. } RESTRAINING
ORDER

Shelby County Health Dept.
and Shelby County Government

Issued _____ day of _____ 20____

W. Aaron Hall, Clerk and Master

Came to hand _____ day of _____ 20____

Edward M. Bearman
ATTORNEY FOR PLAINTIFFS
